

Based on the following Remarks, Applicant respectfully requests that the Examiner reconsider the outstanding objections and rejections and they be withdrawn.

***Rejections Under 35 U.S.C. §103***

In the Office Action, claims 1 and 4-19 have been rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent No. 5,625,415 issued to Ueno, *et al.* (“Ueno”) in view of U. S. Patent No. 6,388,707 issued to Suda (“Suda”). This rejection is respectfully traversed.

In the Office Action, the Examiner admitted “Ueno does not explicitly state the focal point select apparatus includes a touch panel for moving the mark” (Office Action, page 3). Regarding this missing features, the Examiner stated “It clearly states the position selection means include a joy stick, a track ball, a mouse and a touch panel in it’s category (See Col. 63, lines 13-15). The Suda reference is evidence that one of ordinary skilled in the art at the time to see more advantage for using touch panel to move the mark which corresponding the focus on a position of the subject, because the operation can be performed easily and the cost can be reduced. For that reason, it would have been obvious to include touch screen function for moving the mark representing the focus position in the input apparatus 118 disclosed by Ueno” (Office Action, page 3). This assertion is respectfully disagreed with.

Claim 1 of the present application recites “An apparatus for controlling a focus position, comprising: a display screen for displaying an image corresponding to a subject and a mark representing the focus position; a *touch screen* for moving the mark on said display screen; and focus control means for controlling to focus on a position of the subject corresponding to said mark”.

Thus, according to the present application, the mark on the display screen is moved by a touch screen, not a touch pad (e.g., touch pad on a laptop computer) which does not function as a screen. The touch screen of the present invention enables for a user to see an image displayed on the display screen and select a point-of-interest on the image by tapping on the image displayed on the display screen with a finger or a pen. This means that a user can see an image and select a focal point by looking at only one image, which is the image displayed on the display screen through the touch screen.

In this regard, the two-dimensional position selecting means described in Suda comprises a touch panel for selecting a point-of-interest on the image displayed on an electric view finder *without moving an eye form the view finder* (Column 63, Lines 16-26, Column 35, Lines 31-35, and Fig. 19). Thus, the touch-panel is provided *separately* from the view finder, and this doesn't allow a user to see an image and select the desired focal point on the image by simply tapping on the image shown in the display screen.

As such, the touch panel described in Suda is not the touch screen as recited in claims 1, 5 and 15. Since Ueno and Suda both fails to teach or suggest the claimed touch screen, it would not have been obvious to combine the teachings of the references to arrive at the claimed invention. Accordingly, Applicants respectfully request that the rejection over claims 1 and 4-19 be withdrawn.

### CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.

Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, claims 1 and 4-19 are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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